

REFERENCE TITLE: redaction orders; expiration; notice; funds

State of Arizona
House of Representatives
Forty-eighth Legislature
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2008

HB 2478

Introduced by
Representatives Adams: Crandall, Crump, Konopnicki

AN ACT

AMENDING SECTIONS 11-483, 11-484, 13-2314.01, 16-153 AND 28-454, ARIZONA
REVISED STATUTES; RELATING TO LAW ENFORCEMENT OFFICERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 11-483, Arizona Revised Statutes, is amended to
3 read:

4 11-483. Records maintained by county recorder: confidentiality:
5 definitions

6 A. Notwithstanding any other provision of this article, in any county
7 an eligible person may request that the general public be prohibited from
8 accessing the unique identifier and the recording date contained in indexes
9 of recorded instruments maintained by the county recorder and may request the
10 COUNTY recorder to prohibit access to that person's residential address and
11 telephone number contained in instruments or writings recorded by the county
12 recorder.

13 B. An eligible person may request this action by filing an affidavit
14 that states all of the following on an application form developed by the
15 administrative office of the courts in agreement with an association of
16 counties, an organization of peace officers and the motor vehicle division of
17 the department of transportation:

18 1. The person's full legal name and residential address.

19 2. The full legal description and parcel number of the person's
20 property.

21 3. The position the person currently holds and a description of the
22 person's duties, except that an eligible person who is protected under an
23 order of protection or injunction against harassment shall instead attach a
24 copy of the order of protection or injunction against harassment.

25 4. The reasons the person reasonably believes that the person's life
26 or safety or that of another person is in danger and that restricting access
27 pursuant to this section will serve to reduce the danger.

28 5. The document locator number and recording date of each instrument
29 for which the person requests access restriction pursuant to this section.

30 6. A copy of pages from each instrument that includes the document
31 locator number and the person's full legal name and residential address or
32 full legal name and telephone number.

33 C. If an eligible person is also requesting pursuant to section 11-484
34 that the general public be prohibited from accessing records maintained by
35 the county assessor and county treasurer, the eligible person may combine the
36 request pursuant to subsection B of this section with the request pursuant to
37 section 11-484 by filing one affidavit. The affidavit and subsequent action
38 by the appropriate authorities shall meet all of the requirements of this
39 section and section 11-484.

40 D. The affidavit shall be filed with the presiding judge of the
41 superior court in the county in which the affiant resides. To prevent a
42 multiplicity of filings, an eligible person who is a peace officer, public
43 defender, prosecutor, code enforcement officer, corrections or detention
44 officer, corrections support staff member or law enforcement support staff
45 member shall deliver the affidavit to the peace officer's commanding officer,

1 or to the head of the prosecuting, public defender, code enforcement, law
2 enforcement, corrections or detention agency, as applicable, or that person's
3 designee, who shall file the affidavits at one time. In the absence of an
4 affidavit that contains a request for immediate action and that is supported
5 by facts justifying an earlier presentation, the commanding officer, or the
6 head of the prosecuting, public defender, code enforcement, law enforcement,
7 corrections or detention agency, as applicable, or that person's designee,
8 shall not file affidavits more often than quarterly.

9 E. On receipt of an affidavit or affidavits, the presiding judge of
10 the superior court shall file with the clerk of the superior court a petition
11 on behalf of all requesting affiants. Each affidavit presented shall be
12 attached to the petition. In the absence of an affidavit that contains a
13 request for immediate action and that is supported by facts justifying an
14 earlier consideration, the presiding judge may accumulate affidavits and file
15 a petition at the end of each quarter.

16 F. The presiding judge of the superior court shall review the petition
17 and each attached affidavit to determine whether the action requested by each
18 affiant should be granted. If the presiding judge of the superior court
19 concludes that the action requested by the affiant will reduce a danger to
20 the life or safety of the affiant or another person, the presiding judge of
21 the superior court shall order that the COUNTY recorder prohibit access for
22 five years to the affiant's residential address and telephone number
23 contained in instruments or writings recorded by the county recorder and made
24 available on the internet. If the presiding judge of the superior court
25 concludes that the affiant or another person is in actual danger of physical
26 harm from a person or persons with whom the affiant has had official dealings
27 and that action pursuant to this section will reduce a danger to the life or
28 safety of the affiant or another person, the presiding judge of the superior
29 court shall order that the general public be prohibited for five years from
30 accessing the unique identifier and the recording date contained in indexes
31 of recorded instruments maintained by the county recorder and identified
32 pursuant to subsection B of this section.

33 G. On motion to the court, if the presiding judge of the superior
34 court concludes that an instrument or writing recorded by the county recorder
35 has been redacted or sealed in error, that the original affiant no longer
36 lives at the address listed in the original affidavit, that the cause for the
37 original affidavit no longer exists or that temporary access to the
38 instrument or writing is needed, the presiding judge may temporarily stay or
39 permanently vacate all or part of the court order prohibiting public access
40 to the recorded instrument or writing.

41 H. On entry of the court order, the clerk of the superior court shall
42 file the court order and a copy of the affidavit required by subsection B of
43 this section with the county recorder. No more than ten days after the date
44 on which the county recorder receives the court order, the county recorder

1 shall restrict access to the information as required by subsection F of this
2 section.

3 I. If the court denies an affiant's request pursuant to this section,
4 the affiant may request a court hearing. The hearing shall be conducted by
5 the court in the county where the petition was filed.

6 J. The COUNTY recorder shall remove the restrictions on all records
7 restricted pursuant to this section by January 5 in the year after the court
8 order expires. THE COUNTY RECORDER SHALL NOTIFY THE EMPLOYING AGENCY OF A
9 PEACE OFFICER, PUBLIC DEFENDER, PROSECUTOR, CODE ENFORCEMENT OFFICER,
10 CORRECTIONS OR DETENTION OFFICER, CORRECTIONS SUPPORT STAFF MEMBER OR LAW
11 ENFORCEMENT SUPPORT STAFF MEMBER WHO WAS GRANTED AN ORDER PURSUANT TO THIS
12 SECTION OF THE ORDER'S EXPIRATION DATE AT LEAST SIX MONTHS BEFORE THE
13 EXPIRATION DATE. THE EMPLOYING AGENCY SHALL IMMEDIATELY NOTIFY THE PERSON
14 WHO WAS GRANTED THE ORDER OF THE EXPIRATION DATE.

15 K. To include subsequent recordings in the court order, the eligible
16 person shall present to the county recorder at the time of recordation a
17 certified copy of the court order or shall provide to the county recorder the
18 recording number of the court order. The COUNTY recorder shall ensure that
19 public access shall be restricted pursuant to subsection A of this section.

20 L. This section shall not be interpreted to restrict access to public
21 records for the purposes of perfecting a lien pursuant to title 12, chapter
22 9, article 2.

23 M. This section does not prohibit access to the records of the county
24 recorder by parties to the instrument, a title insurer, a title insurance
25 agent or an escrow agent licensed by the department of insurance or the
26 department of financial institutions.

27 N. For the purposes of this section:

28 1. "Code enforcement officer" means a person who is employed by a
29 state or local government and whose duties include performing field
30 inspections of buildings, structures or property to ensure compliance with
31 and enforce national, state and local laws, ordinances and codes.

32 2. "Commissioner" means a commissioner of the superior court.

33 3. "Corrections support staff member" means an adult or juvenile
34 corrections employee who has direct contact with inmates.

35 4. "Eligible person" means a peace officer, justice, judge,
36 commissioner, public defender, prosecutor, code enforcement officer, adult or
37 juvenile corrections officer, corrections support staff member, probation
38 officer, member of the board of executive clemency, law enforcement support
39 staff member, national guard member who is acting in support of a law
40 enforcement agency, person who is protected under an order of protection or
41 injunction against harassment, OR firefighter who is assigned to the Arizona
42 counterterrorism center in the department of public safety ~~or victim of~~
43 ~~domestic violence or stalking who is protected under an order of protection~~
44 ~~or injunction against harassment.~~

5. "Indexes" means only those indexes that are maintained by and located in the office of the county recorder, that are accessed electronically and that contain information beginning from and after January 1, 1987.

6. "Judge" means a judge of the United States district court, the United States court of appeals, the United States magistrate court, the United States bankruptcy court, the Arizona court of appeals, the superior court or a municipal court.

7. "Justice" means a justice of the United States or Arizona supreme court or a justice of the peace.

8. "Law enforcement support staff member" means a person who serves in the role of an investigator or prosecutorial assistant in an agency that investigates or prosecutes crimes, who is integral to the investigation or prosecution of crimes and whose name or identity will be revealed in the course of public proceedings.

9. "Peace officer" means any person vested by law, or formerly vested by law, with a duty to maintain public order and make arrests.

10. "Prosecutor" means a county attorney, a municipal prosecutor, the attorney general or a United States attorney and includes an assistant or deputy United States attorney, county attorney, municipal prosecutor or attorney general.

11. "Public defender" means a federal public defender, county public defender, county legal defender or county contract indigent defense counsel and includes an assistant or deputy federal public defender, county public defender or county legal defender.

~~12. "Stalking" means the course of conduct prescribed in section 13-2923.~~

~~13. "Victim of domestic violence" means a person who is a victim of an offense defined in section 13-3601.~~

Sec. 2. Section 11-484, Arizona Revised Statutes, is amended to read:

11-484. Records maintained by county assessor and county treasurer; redaction; definitions

A. Notwithstanding any other provision of this article, in any county an eligible person may request that the general public be prohibited from accessing that person's residential address and telephone number that are contained in instruments, writings and information maintained by the county assessor and the county treasurer.

B. An eligible person may request this action by filing an affidavit that states all of the following on an application form developed by the administrative office of the courts in agreement with an association of counties, an organization of peace officers and the motor vehicle division of the department of transportation:

1. The person's full legal name and residential address.

2. The full legal description and parcel number of the person's property.

1 3. The position the person currently holds and a description of the
2 person's duties, except that an eligible person who is protected under an
3 order of protection or injunction against harassment shall attach a copy of
4 the order of protection or injunction against harassment.

5 4. The reasons the person reasonably believes that the person's life
6 or safety or that of another person is in danger and that redacting the
7 residential address and telephone number will serve to reduce the danger.

8 C. If an eligible person is also requesting pursuant to section 11-483
9 that the general public be prohibited from accessing records maintained by
10 the county recorder, the eligible person may combine the request pursuant to
11 subsection B of this section with the request pursuant to section 11-483 by
12 filing one affidavit. The affidavit and subsequent action by the appropriate
13 authorities shall meet all of the requirements of this section and section
14 11-483.

15 D. The affidavit shall be filed with the presiding judge of the
16 superior court in the county in which the affiant resides. To prevent a
17 multiplicity of filings, an eligible person who is a peace officer, public
18 defender, prosecutor, code enforcement officer, corrections or detention
19 officer, corrections support staff member or law enforcement support staff
20 member shall deliver the affidavit to the peace officer's commanding officer,
21 or to the head of the prosecuting, public defender, code enforcement, law
22 enforcement, corrections or detention agency, as applicable, or that person's
23 designee, who shall file the affidavits at one time. In the absence of an
24 affidavit that contains a request for immediate action and that is supported
25 by facts justifying an earlier presentation, the commanding officer, or the
26 head of the prosecuting, public defender, code enforcement, law enforcement,
27 corrections or detention agency, as applicable, or that person's designee,
28 shall not file affidavits more often than quarterly.

29 E. On receipt of an affidavit or affidavits, the presiding judge of
30 the superior court shall file with the clerk of the superior court a petition
31 on behalf of all requesting affiants. Each affidavit presented shall be
32 attached to the petition. In the absence of an affidavit that contains a
33 request for immediate action and that is supported by facts justifying an
34 earlier consideration, the presiding judge may accumulate affidavits and file
35 a petition at the end of each quarter.

36 F. The presiding judge of the superior court shall review the petition
37 and each attached affidavit to determine whether the action requested by each
38 affiant should be granted. If the presiding judge of the superior court
39 concludes that the action requested by the affiant will reduce a danger to
40 the life or safety of the affiant or another person, the presiding judge of
41 the superior court shall order the redaction of the affiant's residential
42 address and telephone number that are contained in instruments, writings and
43 information maintained by the county assessor and the county treasurer. The
44 redaction shall be in effect for five years.

1 G. On motion to the court, if the presiding judge of the superior
2 court concludes that an instrument or writing maintained by the county
3 assessor or the county treasurer has been redacted or sealed in error, that
4 the original affiant no longer lives at the address listed in the original
5 affidavit, that the cause for the original affidavit no longer exists or that
6 temporary access to the instrument or writing is needed, the presiding judge
7 may temporarily stay or permanently vacate all or part of the court order
8 prohibiting public access to the instrument or writing.

9 H. On entry of the court order, the clerk of the superior court shall
10 file the court order and a copy of the affidavit required by subsection B of
11 this section with the county assessor and the county treasurer. No more than
12 ten days after the date on which the county assessor and the county treasurer
13 receive the court order, the county assessor and the county treasurer shall
14 restrict access to the information as required by subsection F of this
15 section.

16 I. If the court denies an affiant's request pursuant to this section,
17 the affiant may request a court hearing. The hearing shall be conducted by
18 the court in the county where the petition was filed.

19 J. The county assessor and the county treasurer shall remove the
20 restrictions on all records that are redacted pursuant to this section by
21 January 5 in the year after the court order expires. THE COUNTY ASSESSOR OR
22 THE COUNTY TREASURER SHALL NOTIFY THE EMPLOYING AGENCY OF A PEACE OFFICER,
23 PUBLIC DEFENDER, PROSECUTOR, CODE ENFORCEMENT OFFICER, CORRECTIONS OR
24 DETENTION OFFICER, CORRECTIONS SUPPORT STAFF MEMBER OR LAW ENFORCEMENT
25 SUPPORT STAFF MEMBER WHO WAS GRANTED AN ORDER PURSUANT TO THIS SECTION OF THE
26 ORDER'S EXPIRATION DATE AT LEAST SIX MONTHS BEFORE THE EXPIRATION DATE. THE
27 EMPLOYING AGENCY SHALL IMMEDIATELY NOTIFY THE PERSON WHO WAS GRANTED THE
28 ORDER OF THE EXPIRATION DATE.

29 K. For the purposes of this section:

30 1. "Code enforcement officer" means a person who is employed by a
31 state or local government and whose duties include performing field
32 inspections of buildings, structures or property to ensure compliance with
33 and enforce national, state and local laws, ordinances and codes.

34 2. "Commissioner" means a commissioner of the superior court.

35 3. "Corrections support staff member" means an adult or juvenile
36 corrections employee who has direct contact with inmates.

37 4. "Eligible person" means a peace officer, justice, judge,
38 commissioner, public defender, prosecutor, code enforcement officer, adult or
39 juvenile corrections officer, corrections support staff member, probation
40 officer, member of the board of executive clemency, law enforcement support
41 staff member, national guard member who is acting in support of a law
42 enforcement agency, person who is protected under an order of protection or
43 injunction against harassment, ~~OR~~ firefighter who is assigned to the Arizona
44 counterterrorism center in the department of public safety ~~or victim of~~

~~domestic violence or stalking who is protected under an order of protection or injunction against harassment.~~

5. "Judge" means a judge of the United States district court, the United States court of appeals, the United States magistrate court, the United States bankruptcy court, the Arizona court of appeals, the superior court or a municipal court.

6. "Justice" means a justice of the United States or Arizona supreme court or a justice of the peace.

7. "Law enforcement support staff member" means a person who serves in the role of an investigator or prosecutorial assistant in an agency that investigates or prosecutes crimes, who is integral to the investigation or prosecution of crimes and whose name or identity will be revealed in the course of public proceedings.

8. "Peace officer" means any person vested by law, or formerly vested by law, with a duty to maintain public order and make arrests.

9. "Prosecutor" means a county attorney, a municipal prosecutor, the attorney general or a United States attorney and includes an assistant or deputy United States attorney, county attorney, municipal prosecutor or attorney general.

10. "Public defender" means a federal public defender, county public defender, county legal defender or county contract indigent defense counsel and includes an assistant or deputy federal public defender, county public defender or county legal defender.

~~11. "Stalking" means the course of conduct prescribed in section 13-2923.~~

~~12. "Victim of domestic violence" means a person who is a victim of an offense defined in section 13-3601.~~

Sec. 3. Section 13-2314.01, Arizona Revised Statutes, is amended to read:

13-2314.01. Anti-racketeering revolving fund; use of fund; reports

A. ~~There is established an~~ THE anti-racketeering revolving fund ~~to be administered by~~ IS ESTABLISHED. The attorney general SHALL ADMINISTER THE FUND under the conditions and for the purposes provided by this section. Monies in the fund are exempt from the lapsing provisions of section 35-190.

B. Any prosecution and investigation costs, including attorney fees, recovered for the state by the attorney general as a result of enforcement of civil and criminal statutes pertaining to any offense included in the definition of racketeering in section 13-2301, subsection D, paragraph 4 or section 13-2312, whether by final judgment, settlement or otherwise, shall be deposited in the fund established by this section.

C. Any monies received by any department or agency of this state or any political subdivision of this state from any department or agency of the United States or another state as a result of participation in any investigation or prosecution, whether by final judgment, settlement or

1 otherwise, shall be deposited in the fund established by this section or, if
2 the recipient is a political subdivision of this state, may be deposited in
3 the fund established by section 13-2314.03.

4 D. Any monies obtained as a result of a forfeiture by any department
5 or agency of this state under this title or under federal law shall be
6 deposited in the fund established by this section. Any monies or other
7 property obtained as a result of a forfeiture by any political subdivision of
8 this state or the federal government may be deposited in the fund established
9 by this section. Monies deposited in the fund pursuant to this section or
10 section 13-4315 shall accrue interest and shall be held for the benefit of
11 the agency or agencies responsible for the seizure or forfeiture to the
12 extent of their contribution. Except as provided in subsections F and G of
13 this section the monies and interest shall be distributed within thirty days
14 of application to the agency or agencies responsible for the seizure or
15 forfeiture. Monies in the fund used by the attorney general for capital
16 projects in excess of one million dollars are subject to review by the joint
17 committee on capital review.

18 E. Monies in the fund may be used for THE FOLLOWING:

19 1. The funding of gang prevention programs, substance abuse prevention
20 programs, substance abuse education programs and witness protection pursuant
21 to section 41-196 or for any purpose permitted by federal law relating to the
22 disposition of any property that is transferred to a law enforcement agency.

23 ~~Monies in the fund may be used for~~

24 2. The investigation and prosecution of any offense included in the
25 definition of racketeering in section 13-2301, subsection D, paragraph 4 or
26 section 13-2312, including civil enforcement.

27 3. THE PAYMENT OF THE RELOCATION EXPENSES OF ANY LAW ENFORCEMENT
28 OFFICER AND THE OFFICER'S IMMEDIATE FAMILY IF THE LAW ENFORCEMENT OFFICER IS
29 THE VICTIM OF A BONA FIDE THREAT THAT OCCURRED BECAUSE OF THE LAW ENFORCEMENT
30 OFFICER'S DUTIES.

31 F. On or before January 15, April 15, July 15 and October 15 of each
32 year, each department or agency of this state receiving monies pursuant to
33 this section or section 13-2314.03 or 13-4315 or from any department or
34 agency of the United States or another state as a result of participation in
35 any investigation or prosecution shall file with the attorney general a
36 report for the previous calendar quarter. The report shall be in a form that
37 is prescribed by the Arizona criminal justice commission and approved by the
38 director of the joint legislative budget committee. The report shall set
39 forth the sources of all monies and all expenditures. The report shall not
40 include any identifying information about specific investigations. If a
41 department or agency of this state fails to file a report within forty-five
42 days after the report is due and there is no good cause as determined by the
43 Arizona criminal justice commission, the attorney general shall make no
44 expenditures from the fund for the benefit of the department or agency until
45 the report is filed. The attorney general is responsible for collecting all

1 reports from departments and agencies of this state and transmitting the
2 reports to the Arizona criminal justice commission at the time that the
3 report required pursuant to subsection G of this section is submitted.

4 G. On or before January 25, April 25, July 25 and October 25 of each
5 year, the attorney general shall file with the Arizona criminal justice
6 commission a report for the previous calendar quarter. The report shall be
7 in a form that is prescribed by the Arizona criminal justice commission and
8 approved by the director of the joint legislative budget committee. The
9 report shall set forth the sources of all monies and all expenditures. The
10 report shall not include any identifying information about specific
11 investigations. If the attorney general fails to file a report within sixty
12 days after the report is due and there is no good cause as determined by the
13 Arizona criminal justice commission, the attorney general shall make no
14 expenditures from the fund for the benefit of the attorney general until the
15 report is filed. If a political subdivision of this state fails to file a
16 report with the county attorney pursuant to section 13-2314.03 within
17 forty-five days after the report is due and there is no good cause as
18 determined by the Arizona criminal justice commission, the attorney general
19 shall make no expenditures from the fund for the benefit of the political
20 subdivision until the report is filed.

21 H. On or before January 30, April 30, July 30 and October 30 of each
22 year, the Arizona criminal justice commission shall compile the attorney
23 general report and the reports of all departments and agencies of this state
24 into a single comprehensive report and shall submit a copy of the report to
25 the governor, with copies to the director of the department of
26 administration, the president of the senate, the speaker of the house of
27 representatives and the director of the joint legislative budget committee.

28 Sec. 4. Section 16-153, Arizona Revised Statutes, is amended to read:

29 16-153. Voter registration; confidentiality; definitions

30 A. Eligible persons, and any other registered voter who resides at the
31 same residence address as the eligible person, may request that the general
32 public be prohibited from accessing the residential address, telephone number
33 and voting precinct number contained in their voter registration record.

34 B. Eligible persons may request this action by filing an affidavit
35 that states all of the following on an application form developed by the
36 administrative office of the courts in agreement with an association of
37 counties and an organization of peace officers:

38 1. The person's full legal name, residential address and date of
39 birth.

40 2. The position the person currently holds and a description of the
41 person's duties, except that an eligible person who is protected under an
42 order of protection or injunction against harassment shall instead attach a
43 copy of the order of protection or injunction against harassment.

44 3. The reasons for reasonably believing that the person's life or
45 safety or that of another person is in danger and that sealing the

1 residential address, telephone number and voting precinct number of the
2 person's voting record will serve to reduce the danger.

3 C. The affidavit shall be filed with the presiding judge of the
4 superior court in the county in which the affiant resides. To prevent a
5 multiplicity of filings, an eligible person who is a peace officer,
6 prosecutor, public defender, code enforcement officer, corrections or
7 detention officer, corrections support staff member or law enforcement
8 support staff member shall deliver the affidavit to the peace officer's
9 commanding officer, or to the head of the prosecuting, public defender, code
10 enforcement, law enforcement, corrections or detention agency, as applicable,
11 or that person's designee, who shall file the affidavits at one time. In the
12 absence of an affidavit that contains a request for immediate action and is
13 supported by facts justifying an earlier presentation, the commanding
14 officer, or the head of the prosecuting, public defender, code enforcement,
15 law enforcement, corrections or detention agency, as applicable, or that
16 person's designee, shall not file affidavits more often than quarterly.

17 D. Upon receipt of an affidavit or affidavits, the presiding judge of
18 the superior court shall file with the clerk of the superior court a petition
19 on behalf of all requesting affiants. The petition shall have attached each
20 affidavit presented. In the absence of an affidavit that contains a request
21 for immediate action and that is supported by facts justifying an earlier
22 consideration, the presiding judge may accumulate affidavits and file a
23 petition at the end of each quarter.

24 E. The presiding judge of the superior court shall review the petition
25 and each attached affidavit to determine whether the action requested by each
26 affiant should be granted. The presiding judge of the superior court shall
27 order the sealing for five years of the information contained in the voter
28 record of the affiant and, on request, any other registered voter who resides
29 at the same residence address if the presiding judge concludes that this
30 action will reduce a danger to the life or safety of the affiant.

31 F. The recorder shall remove the restrictions on all voter records
32 submitted pursuant to subsection E of this section by January 5 in the year
33 after the court order expires. THE COUNTY RECORDER SHALL NOTIFY THE
34 EMPLOYING AGENCY OF A PEACE OFFICER, PUBLIC DEFENDER, PROSECUTOR, CODE
35 ENFORCEMENT OFFICER, CORRECTIONS OR DETENTION OFFICER, CORRECTIONS SUPPORT
36 STAFF MEMBER OR LAW ENFORCEMENT SUPPORT STAFF MEMBER WHO WAS GRANTED AN ORDER
37 PURSUANT TO THIS SECTION OF THE ORDER'S EXPIRATION DATE AT LEAST SIX MONTHS
38 BEFORE THE EXPIRATION DATE. THE EMPLOYING AGENCY SHALL IMMEDIATELY NOTIFY
39 THE PERSON WHO WAS GRANTED THE ORDER OF THE EXPIRATION DATE.

40 G. Upon entry of the court order, the clerk of the superior court
41 shall file the court order with the county recorder. Upon receipt of the
42 court order the county recorder shall seal the voter registration of the
43 persons listed in the court order no later than one hundred twenty days from
44 the date of receipt of the court order. To include a subsequent voter
45 registration in the court order, a person listed in the court order shall

1 present to the county recorder at the time of registration a certified copy
 2 of the court order or shall provide the county recorder the recording number
 3 of the court order. The information in the registration shall not be
 4 disclosed and is not a public record.

5 H. If the court denies an affiant's requested sealing of the voter
 6 registration record, the affiant may request a court hearing. The hearing
 7 shall be conducted by the court where the petition was filed.

8 I. On motion to the court, if the presiding judge of the superior
 9 court concludes that a voter registration record has been sealed in error or
 10 that the cause for the original affidavit no longer exists, the presiding
 11 judge may vacate the court order prohibiting public access to the voter
 12 registration record.

13 J. Upon request by a person who is protected under an order of
 14 protection or injunction against harassment and presentation of an order of
 15 protection issued pursuant to section 13-3602, an injunction against
 16 harassment issued pursuant to section 12-1809 or an order of protection or
 17 injunction against harassment issued by a court in another state, the county
 18 recorder shall seal the voter registration record of the person who is
 19 protected and, on request, any other registered voter who resides at the
 20 residence address of the protected person. The record shall be sealed no
 21 later than one hundred twenty days from the date of receipt of the court
 22 order. The information in the registration shall not be disclosed and is not
 23 a public record.

24 K. For the purposes of this section:

25 1. "Code enforcement officer" means a person who is employed by a
 26 state or local government and whose duties include performing field
 27 inspections of buildings, structures or property to ensure compliance with
 28 and enforce national, state and local laws, ordinances and codes.

29 2. "Commissioner" means a commissioner of the superior court.

30 3. "Corrections support staff member" means an adult or juvenile
 31 corrections employee who has direct contact with inmates.

32 ~~4. "Domestic violence" has the same meaning prescribed in section~~
 33 ~~20-448.~~

34 ~~5.~~ 4. "Eligible person" means a peace officer, justice, judge,
 35 commissioner, public defender, prosecutor, code enforcement officer, adult or
 36 juvenile corrections officer, corrections support staff member, probation
 37 officer, member of the board of executive clemency, law enforcement support
 38 staff member, national guard member who is acting in support of a law
 39 enforcement agency, person who is protected under an order of protection or
 40 injunction against harassment, ~~OR~~ firefighter who is assigned to the Arizona
 41 counterterrorism center in the department of public safety ~~or victim of~~
 42 ~~domestic violence or stalking who is protected under an order of protection~~
 43 ~~or injunction against harassment.~~

44 ~~6.~~ 5. "Judge" means a judge of the United States district court, the
 45 United States court of appeals, the United States magistrate court, the

1 United States bankruptcy court, the Arizona court of appeals, the superior
2 court or a municipal court.

3 ~~7-~~ 6. "Justice" means a justice of the United States or Arizona
4 supreme court or a justice of the peace.

5 ~~8-~~ 7. "Law enforcement support staff member" means a person who
6 serves in the role of an investigator or prosecutorial assistant in an agency
7 that investigates or prosecutes crimes, who is integral to the investigation
8 or prosecution of crimes and whose name or identity will be revealed in the
9 course of public proceedings.

10 ~~9-~~ 8. "Prosecutor" means a United States attorney, a county attorney,
11 a municipal prosecutor or the attorney general and includes an assistant or
12 deputy United States attorney, county attorney, municipal prosecutor or
13 attorney general.

14 ~~10-~~ 9. "Public defender" means a federal public defender, county
15 public defender, county legal defender or county contract indigent defense
16 counsel and includes an assistant or deputy federal public defender, county
17 public defender or county legal defender.

18 ~~11. "Stalking" means the course of conduct prescribed in section~~
19 ~~13-2923.~~

20 ~~12. "Victim of domestic violence" means a person who is a victim of an~~
21 ~~offense defined in section 13-3601.~~

22 Sec. 5. Section 28-454, Arizona Revised Statutes, is amended to read:

23 ~~28-454.~~ Records maintained by department of transportation;
24 redaction; definitions

25 A. Notwithstanding sections 28-447 and 28-455, an eligible person may
26 request that persons be prohibited from accessing the person's residential
27 address and telephone number contained in any record maintained by the
28 department.

29 B. An eligible person may request this action by filing an affidavit
30 that states all of the following on an application form developed by the
31 administrative office of the courts in agreement with an association of
32 counties, an organization of peace officers and the department:

33 1. The person's full legal name and residential address.

34 2. The position the person currently holds and a description of the
35 person's duties, except that an eligible person who is protected under an
36 order of protection or injunction against harassment shall attach a copy of
37 the order of protection or injunction against harassment.

38 3. The reasons the person reasonably believes that the person's life
39 or safety or that of another person is in danger and that redacting the
40 residential address and telephone number from the department's public records
41 will serve to reduce the danger.

42 C. The affidavit shall be filed with the presiding judge of the
43 superior court in the county in which the affiant resides. To prevent a
44 multiplicity of filings, an eligible person who is a peace officer,
45 prosecutor, code enforcement officer, corrections or detention officer,

1 corrections support staff member or law enforcement support staff member
2 shall deliver the affidavit to the peace officer's commanding officer, or to
3 the head of the prosecuting, code enforcement, law enforcement, corrections
4 or detention agency, as applicable, or that person's designee, who shall file
5 the affidavits at one time. In the absence of an affidavit that contains a
6 request for immediate action and that is supported by facts justifying an
7 earlier presentation, the commanding officer, or the head of the prosecuting,
8 code enforcement, law enforcement, corrections or detention agency, as
9 applicable, or that person's designee, shall not file affidavits more often
10 than quarterly.

11 D. On receipt of an affidavit or affidavits, the presiding judge of
12 the superior court shall cause to be filed with the clerk of the superior
13 court a petition on behalf of all requesting affiants. Each affidavit
14 presented shall be attached to the petition. In the absence of an affidavit
15 that contains a request for immediate action and that is supported by facts
16 justifying an earlier consideration, the presiding judge may accumulate
17 affidavits and file a petition at the end of each quarter.

18 E. The presiding judge of the superior court shall review the petition
19 and each attached affidavit to determine whether the action requested by each
20 affiant should be granted. The presiding judge of the superior court shall
21 order the redaction of the residence address and telephone number from the
22 public records maintained by the department if the judge concludes that this
23 action will reduce a danger to the life or safety of the affiant or another
24 person.

25 F. On entry of the court order, the clerk of the superior court shall
26 file the court order with the department. No more than one hundred fifty
27 days after the date the department receives the court order, the department
28 shall redact the residence addresses and telephone numbers of the affiants
29 listed in the court order from the public records of the department. The
30 residence addresses and telephone numbers shall not be disclosed and are not
31 part of a public record.

32 G. If the court denies an affiant's request pursuant to this section,
33 the affiant may request a court hearing. The hearing shall be conducted by
34 the court in the county where the petition was filed.

35 H. On motion to the court, if the presiding judge of the superior
36 court concludes that a residential address or telephone number has been
37 sealed in error or that the cause for the original affidavit no longer
38 exists, the presiding judge may vacate the court order prohibiting public
39 access to the residential address or telephone number.

40 I. THE DEPARTMENT SHALL NOTIFY THE EMPLOYING AGENCY OF A PEACE
41 OFFICER, PUBLIC DEFENDER, PROSECUTOR, CODE ENFORCEMENT OFFICER, CORRECTIONS
42 OR DETENTION OFFICER, CORRECTIONS SUPPORT STAFF MEMBER OR LAW ENFORCEMENT
43 SUPPORT STAFF MEMBER WHO WAS GRANTED AN ORDER PURSUANT TO THIS SECTION OF THE
44 ORDER'S EXPIRATION DATE AT LEAST SIX MONTHS BEFORE THE EXPIRATION DATE. THE

PERSON'S EMPLOYING AGENCY SHALL IMMEDIATELY NOTIFY THE PERSON WHO WAS GRANTED THE ORDER OF THE EXPIRATION DATE.

~~I.~~ J. Notwithstanding sections 28-447 and 28-455, the department shall not release a photograph of a peace officer if the peace officer has made a request as prescribed in this section that persons be prohibited from accessing the peace officer's residential address and telephone number in any record maintained by the department.

~~J.~~ K. This section does not prohibit the use of a peace officer's photograph that is either:

1. Used by a law enforcement agency to assist a person who has a complaint against an officer to identify the officer.

2. Obtained from a source other than the department.

~~K.~~ L. For the purposes of this section:

1. "Code enforcement officer" means a person who is employed by a state or local government and whose duties include performing field inspections of buildings, structures or property to ensure compliance with and enforce national, state and local laws, ordinances and codes.

2. "Corrections support staff member" means an adult or juvenile corrections employee who has direct contact with inmates.

3. "Eligible person" means a peace officer, justice, judge, commissioner, public defender, prosecutor, code enforcement officer, adult or juvenile corrections officer, corrections support staff member, probation officer, member of the board of executive clemency, law enforcement support staff member, national guard member who is acting in support of a law enforcement agency, person who is protected under an order of protection or injunction against harassment, ~~OR firefighter who is assigned to the Arizona counterterrorism center in the department of public safety or victim of domestic violence or stalking who is protected under an order of protection or injunction against harassment.~~

4. "Law enforcement support staff member" means a person who serves in the role of an investigator or prosecutorial assistant in an agency that investigates or prosecutes crimes, who is integral to the investigation or prosecution of crimes and whose name or identity will be revealed in the course of public proceedings.

5. "Prosecutor" means a county attorney, a municipal prosecutor or the attorney general and includes an assistant or deputy county attorney, municipal prosecutor or attorney general.

~~6. "Stalking" means the course of conduct prescribed in section 13-2923.~~

~~7. "Victim of domestic violence" means a person who is a victim of an offense defined in section 13-3601.~~